

REMARKS

I. Status of the Application

Claims 1-12, 15-23, 37-46 and 48-55 are pending in this application. In the November 3, 2005 office action, the examiner rejected claims 1, 3-7, 8-9, 23, 37, 39-44 and 53-55 under 35 U.S.C. § 102(b) as allegedly being anticipated by published European patent application 0 318 273 to Karger (hereinafter "Karger"). In addition, the examiner rejected claims 2, 10-12, 15-22, 38, 45, 48, 49, and 51 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Karger in view of one or more of U.S. Patent No. 6,640,891 to Oldenburg (hereinafter, "Oldenburg"), U.S. Patent No. 5,965,410 to Chow (hereinafter, "Chow"), U.S. Patent No. 5,641,400 to Kaltenbach et al. (hereinafter, "Kaltenbach"), and/or U.S. Patent No. 6,406,605 to Moles (hereinafter "Moles").

In this response, applicants have amended claim 54. Applicants have also added new claims 55-62. Applicants respectfully request reconsideration of pending claims 1-12, 15-23, 37-46 and 48-55, as well as new claims 56-62, in view of the foregoing amendments and the following remarks.

II. Claims 1, 37 and 54

In the November 3, 2005 office action, the examiner rejected claims 1, 37 and 54 under 35 U.S.C. § 102(b) as being anticipated by Karger. As provided in MPEP § 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ...

claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Karger reference does not disclose all the limitations of claims 1, 37 and 54. For example, with respect to claim 1 the Karger reference does not disclose a heating unit with “said first surface of said heating unit being at least partially exposed for cooling of said heating unit”. Instead, as shown in Figs. 1 and 3 of Karger, the Karger reference discloses a capillary electrophoretic apparatus 12 including two thermoelectric plates 32, wherein each thermoelectric plate includes a first surface 32 facing a secondary support plate 30 and a second surface facing a heat sink plate 34. The surfaces of the thermoelectric plates 32 of Karger are not exposed, and are instead positioned against the heat sink plates 34. Thus, in contrast to claim 1, Karger does not disclose a heating unit with “said first surface of said heating unit being at least partially exposed for cooling of said heating unit” as required by claim 1.

Claims 37 and 54 include similar limitations to claim 1 with respect to exposed heating unit surfaces. Thus, for the same reasons as provided with respect to claim 1, Karger does not disclose all the limitations of claims 37 and 54.

For at least the reasons discussed above, Karger does not disclose all limitations of claims 1, 37 and 54 of the present application. Accordingly, it is respectfully submitted that claims 1, 37 and 54 are allowable and the examiner’s rejection of claims 1, 37 and 54 as anticipated by Karger under 35 U.S.C. § 102(b) should be withdrawn.

III. Dependent Claims 2-12, 15-23, 38-46 and 48-53 and 55

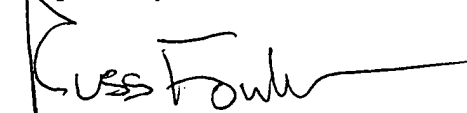
Dependent claims 2-12, 15-23, 38-46 and 48-53 and 55 depend from and incorporate all the limitations of one of allowable independent claims 1, 37, or 54. Accordingly, it is respectfully submitted that dependent claims 2-12, 15-23, 38-46 and 48-53 and 55 are also allowable for at least the same reasons the independent claims 1, 37 and 54 are allowable.

III. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application, including new claims 56-62, is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Russ Fowler", with a long horizontal flourish extending to the right.

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